



TOWN OF UNDERHILL

Development Review Board

PETER M. BINGHAM
PRELIMINARY & FINAL SUBDIVISION REVIEW
Docket #: DRB-18-13

Applicant(s):	Peter M. Bingham
Consultant:	Brad Holden & Justin Willis
Property Location:	59 Lower English Settlement Road (LE059)
Acreage:	± 15.1 Acres
Zoning District(s):	Rural Residential
Project Proposal:	Review of a Preliminary & Final Subdivision Application submitted by of Peter M. Bingham for a three (3) lot subdivision of property located at the aforementioned address.

2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Resident (pg. 15)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
- Article III, Section 3.17 – Source Protection Areas (pg. 55)
- Article III, Section 3.18 – Steep Slopes (pg. 56)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
- Article VI – Flood Hazard Area Review (pg. 127)
- Article VII, Section 7.2 – Applicability (pg. 139)
- Article VII, Section 7.3 – Sketch Plan Review (pg. 141)
- Article VII, Section 7.5 – Preliminary Subdivision Review (pg. 144)
- Article VII, Section 7.6 – Final Subdivision Review (pg. 146)
- Article VIII – Subdivision Standards (pg. 150)
- Appendix A – Underhill Road, Driveway & Trail Ordinance

CONTENTS:

- a. Exhibit A – Bingham Preliminary & Final Subdivision Review Staff Report
- b. Exhibit B - Bingham (LE059) Preliminary & Final Subdivision Review Rules of Procedure
- c. Exhibit C - Application for Subdivision
- d. Exhibit D - Access Permit Application
- e. Exhibit E - BFP Notice
- f. Exhibit F - Certificate of Service
- g. Exhibit G - Project Narrative

- h. Exhibit H - Correspondence from Krebs & Lansing
- i. Exhibit I - Correspondence re Wetlands
- j. Exhibit J - MMUSD Ability to Serve Letter
- k. Exhibit K - Survey
- l. Exhibit L - Driveway Site Plan
Exhibit L Supp - Driveway Site Plan with Highlights
- m. Exhibit M - Lot 2 Driveway Site Plan & Profile
- n. Exhibit N - Lot 3 Driveway Site Plan & Profile
- o. Exhibit O - Water-Wastewater Site Plan (1 of 2)
- p. Exhibit P - Water-Wastewater Site Plan (2 of 2)
- q. Exhibit Q - Water-Wastewater Details (1 of 2)
- r. Exhibit R - Water-Wastewater Details (2 of 2)
- s. Exhibit S - Bingham Sketch Plan Review Letter

COMMENTS/QUESTIONS

1. **TABLES 2.4 – RURAL RESIDENTIAL DISTRICT:** The Board should clarify whether the front property line is the east property line or the north property line to provide clarity in subsequent zoning permit applications.
2. **SECTION 3.2 – ACCESS:** The applicant should confirm if the existing driveway traverses a steep slope, as widening the driveway to 14 ft. in conformance with the *Road, Driveway & Trail Ordinance* will be considered widening a nonconformity.
3. **SECTION 3.2 – ACCESS:** Since the existing driveway serving Lot 1, and soon-to-be Lot 2, will need to be widened to meet the requirements under the *Road, Driveway & Trail ordinance*, a Wetlands Permit from the State of Vermont will be required, which is currently being sought.
4. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** As Section 3.19.D.6 reads, Conditional Use Review does not appear necessary, as the setback distances for Class II Wetland areas may be reduced in accordance with a State of Vermont Wetlands Permit. Conditional Use Review appears to only be required when a reduction to a Class III Wetland setback and buffer area is being sought.
5. **SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS:** More information pertaining to the existing wastewater system on Lot 1 should be obtained during the hearing.
6. **SECTION 8.2.G – BUILDING ENVELOPES:** The Board should inquire if the Lot 2 envelope can be extended to the south, at least to accommodate ancillary buildings.
7. **SECTION 8.2.G – BUILDING ENVELOPES:** The Board should inquire if the Lot 3 envelope can be extended to the west, at least to accommodate ancillary buildings.
8. **SECTION 8.2.J – ENERGY CONSERVATION:** Questions pertaining to zoning regulations for the applicant to answer during the hearing:
 - a. Do the proposed locations of the SFDs maximize southern exposure?
 - b. Are the SFDs clustered enough to allow for group net-metering?
9. **SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL:** Staff recommends that the Board require as a condition of approval that the Applicant adheres to this Section, as well as conform to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.
10. **SECTION 8.8 – LEGAL REQUIREMENTS & SECTION 7.3 – SKETCH PLAN REVIEW – REQUEST FOR INFORMATION #3:** At this time, no legal documentation relating to a road maintenance agreement between Lots 1 and 2, or any applicable easements, have been submitted.
11. **APPENDIX A, SECTION 4.C.1 – GRADES:** If the proposed shared portion of the existing driveway exceeds a 10% grade, the widening of the driveway would be widening a nonconforming

driveway, and would need to be waived in accordance with Section 8.E, and possibly Section 3.2.D.9 of the *Underhill Unified Land Use & Development Regulations*.

12. **APPENDIX A, SECTION 4.C.2 – TOPOGRAPHY:** The applicant should confirm the grade of the existing driveway.
 13. **APPENDIX A, SECTION 4.C.2 – TOPOGRAPHY:** A State Wetlands Permit is required to widen the proposed shared portion of the (currently existing) driveway.
 14. **APPENDIX A, SECTION 4.C.3 – RADII:** The turning radii where the proposed driveways meet the shared driveway (Lot 2) and Lower English Settlement Road (Lot 3) fail to meet the 35 ft. turning radius requirement (illustrated as 20 ft.).
 15. **APPENDIX A, SECTION 4.C.6 – DRAINAGE:** The Applicant shall ensure that no drainage will occur in the Town's right-of-way, nor will drainage impact Lower English Settlement Road (which includes sedimentation, erosion or impounding of water).
 16. **APPENDIX A, SECTION 4.C.7 – SLOPES, BANKS & DITCHES:** The Applicant shall ensure that ditches will be provided where necessary to prevent infiltration of water into the gravel subbase, and to conduct storm drainage to waterways and absorption areas.
 17. **APPENDIX A, SECTION 5.A.1 – CONSTRUCTION & DESIGN REQUIREMENTS:** According to AOT B-71 standards, at 30 MPH, the minimum intersection sight distance is 335 ft. As proposed, the sight distance for Lot 3 is 330 ft. to the north and 800 ft. to the south.
 18. **APPENDIX A, SECTION 5.A.2 – LOCATION:** The Applicant shall ensure that the proposed driveway for Lot 3 is at least 100 ft. from another intersection.
 19. **APPENDIX A, GENERAL COMMENTS:** The applicant should advise further about the configuration of the Lot 3 driveway, and why the inclusion of a horseshoe-like layout was proposed.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

	Rural Residential	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3
Lot Size:	3.0 Acres	±4.9 Acres	±5.4 Acres	±4.6 Acres
Frontage:	250 Feet	See § 8.6.A.2.a	±325 Feet	±682 Feet
Setbacks:		<i>Existing SFD</i>	<i>Building Envelope to Property Line</i>	
• Front East	30 Feet	65 Feet	331 Feet	30 Feet
• Side 1 North	50 Feet	404 Feet	55 Feet	227 Feet
• Side 2 South	50 Feet	420 Feet	166 Feet	132 Feet
• Rear West	50 Feet	78 Feet	50 Feet	137 Feet
Max. Building Coverage:	25%	TBD	TBD	TBD
Max. Lot Coverage:	50%	TBD	TBD	TBD
Maximum Height:	35 Feet	TBD	TBD	TBD

TABLE 2.4 – RURAL RESIDENTIAL DISTRICT

PG. 15

Purpose Statement: Accommodate medium density development on land that has access to public roads where traditional development has taken place, where soil cover is thicker than on the hillside. The Rural Residential district allows for the continuation of existing commercial, residential, and public uses and to encourage future development, particularly along Route 15, Poker Hill Road and Irish Settlement Road that is compatible with these historic uses.

- The three-lot subdivision satisfies the intent of the purpose statement, as the proposed subdivision conforms with the medium density intent of the district.
- Lot 1 fails to satisfy the frontage requirement; however, the Board can waive the frontage requirement for minor subdivisions per Sections 3.2.A.1.a, 3.7.E.3.a, and Section 8.6.A.2.a.
- The building envelope for Lot 2 appears to satisfy the setback requirements.
- The Board should clarify whether the front property line is the east property line or the north property line to provide clarity in subsequent zoning permit applications.
 - As currently configured, should the north property line be considered the front property line, the building envelope will be 30 feet from the right-of-way easement (north). Should the Board find the front boundary line is the east boundary line, then the building envelope will be 50 feet from the north property line.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- See bullet point 2 under Article II, Table 2.4 above.
- The proposed Lot 1 is already served by an existing driveway accessing Lower English Settlement Road, a Class III Highway.
- The proposed Lot 2 will access the existing driveway currently serving Lot 1, which will require an upgrade in accordance with the *Road, Driveway & Trail Ordinance* (see § 3.2 and Appendix A).
- The proposed Lot 3 will access Lower English Settlement Road, a Class III Highway, directly.
- The Selectboard has delegated authority to approve access permits to the Development Review

Board when reviewing applications involving access components. An access permit application has been submitted (see Exhibits D, L, M & N).

- The applicant has depicted driveways for both Lots 2 & 3 that satisfy the 12 ft. setback requirement. The driveway that will serve Lot 1 is already existing.
- According to the ANR Website (see Sketch Plan Exhibit G), the existing driveway appears to traverse a steep slope (15% to 25%). The applicant should confirm if this is the case, as widening the driveway to 14 ft. in conformance with the *Road, Driveway & Trail ordinance* will be considered widening a nonconformity.
- The existing driveway currently bisects a Class II Wetlands (see Exhibits L & O). Since the existing driveway serving Lot 1, and soon-to-be Lot 2, will need to be widened to meet the requirements under the *Road, Driveway & Trail ordinance*, a Wetlands Permit from the State of Vermont will be required, which is currently being sought.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- All proposed lots meet the minimum three (3) acre requirement (see Chart on Page 3).
- The existing structures on Lot 1, and the proposed building envelopes on Lots 2 & 3, meet the setback requirements (see Chart on Page 3).
- A Wetlands Permit is required from the State of Vermont (see bullet point 8 under Article III, Section 3.2 directly above).

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

- Anticipated development for Lots 2 & 3 (single-family dwellings) are likely to satisfy the parking requirement – 2 parking spaces/dwelling unit (to be confirmed during zoning permit review).

SECTION 3.17 – SOURCE PROTECTION AREAS

PG. 55

- The existing lot is located within a Groundwater Source Protection Area.
- The anticipated SFD will be exempt from additional review per Section 3.17.B.

SECTION 3.18 – STEEP SLOPES

PG. 56

- Areas of steep slopes (15-25%) and very steep slopes (>25%) exist on the subject lot (see Sketch Plan Exhibit G), more so on the proposed Lots 1 & 2.
- Anticipated development on Lots 2 & 3 does not appear to impact the identified slopes.
- The existing development on Lot 1 does not appear to impact steep slopes.
- See bullet point 7 under Article III, Section 3.2 above regarding the existing driveway traversing an identified steep slope (source: ANR Website).

SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- An unnamed stream serves as the rear property line for Lot 1, thereby containing a 25-foot setback (see Sketch Plan Exhibit I). This requirement has been satisfied (see Exhibit L Supp).
- Class II Wetlands and their associated 50-foot buffers are located on each lot:
 - The Class II Wetland on Lot 1 remains undisturbed.
 - The Class II Wetland Buffer on both Lots 2 & 3 will be impacted as a result of the existing driveway being widened from 12 feet to 14 feet. A State of Vermont Wetlands Permit will be required.
 - As Section 3.19.D.6 reads, Conditional Use Review does not appear necessary, as the setback distances for Class II Wetland areas may be reduced in accordance with a State of Vermont Wetlands Permit. Conditional Use Review appears to only be required when a reduction to a Class III Wetland setback and buffer area is being sought.

- The other Class II Wetland on Lot 3 to remain undisturbed.

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- According to the ANR Website and the proposed plans (see Exhibits O, P, Q & R), the proposed Water Supply & Wastewater Systems will be as follows:
 - Lot 1: Existing 4-bedroom single-family dwelling with an existing drilled well. More information pertaining to the existing wastewater system should be obtained during the hearing.
 - Lot 2: Proposed 5-bedroom single-family dwelling with a proposed drilled well and wastewater mound system.
 - Lot 3: Proposed 3-bedroom single-family dwelling with a proposed drilled well and wastewater mound system.
- Applications without a Wastewater System & Potable Water Supply Permit being submitted as part of the subdivision application have been approved with the condition of subsequently obtaining a permit from the State of Vermont.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

- No Special Flood Hazard Areas are depicted on the existing lot (source: ANR Website); therefore, review under this Article is not required.

ARTICLE VII – SUBDIVISION REVIEW

SECTION 7.2 – APPLICABILITY

PG. 139

- A three (3) lot subdivision meeting the requirements of Section 7.2.E.1.a is proposed.
- The Board voted to waive preliminary subdivision review during their sketch plan review meeting.
- The Board classified the project as a minor subdivision during their sketch plan review meeting, and memorialized that decision in the Sketch Plan Review Letter (see Exhibit S).

SECTION 7.3 – SKETCH PLAN REVIEW

PG. 141

- The Board accepted the proposed subdivision during the Sketch Plan Review meeting on August 21, 2018, noting the following items to be address:
 1. All surface waters, including streams and brooks, wetlands and floodplains shall be identified and delineated on the submitted site plan.
 - *Completed, see Site Plan (Exhibit L).*
 2. The survey plat prepared by a licensed surveyor shall depict all easements and/or rights-of-way that area located on the existing parcel of land to be subdivided, including easements for potential utilities.
 - *Completed, see Survey (Exhibit K).*
 3. The applicant should prepare and submit a draft Shared Road Maintenance Agreement if access between the two lots will be shared.
 - *Not yet submitted.*
 4. The applicant shall identify the well shield and isolation distances on the submitted site plans and how those distances will impact the adjacent property owners.
 - *Completed, see Site Plan (Exhibits O & P).*
 5. A Preliminary Subdivision Findings Checklist and a Final Subdivision Findings Checklist shall be submitted in accordance with the criteria listed in § 7.5 & § 7.6 of the Underhill Land Use & Development Regulations.
 - *Staff has advised the applicant to forgo submitting the Findings Checklist, and in place, providing a narration*

6. The site plan shall depict any proposed building envelopes, which should incorporate setback requirements and exclude steep slopes where feasible. ➤ *of the proposed project (see Exhibit G).*
➤ *Completed, see Site Plan (Exhibit L Supp).*
7. The applicant shall submit engineering drawings in conformance with the application requirements in the *Underhill Unified Land Use & Development Regulations*, specifically:
a. Areas of steep slopes, flood hazards, stream water setbacks, septic setbacks, and well shields & isolation distances; and ➤ *Completed, see Site Plan & Survey (Exhibit L).*
b. The requisite size culverts shall also be illustrated on the plans. ➤ *Completed, see Site Plan (Exhibits L, M & N).*
➤ *Completed, see Application (Exhibit C).*
8. A Final Subdivision Application shall be submitted in accordance with the criteria listed in Section 7.5 “Preliminary Subdivision Review” and Section 7.6 “Final Subdivision Review of the *Underhill Unified Land Use & Development Regulations*.
9. The applicant and/or representative(s) shall inquire with the MacDonalds (record landowner of 49 Lower English Settlement Road) regarding the potential for contamination of a spring on their property serving as a replacement well. The Board desires clarification regarding the location of the spring referred to in the MacDonald’s communication and any construction or improvements related to this sub-division that may impact it. ➤ *Unknown – the Board should inquire with the applicant about if this task has been completed.*
10. The scheduling of a site visit prior to the final subdivision review hearing. ➤ *Scheduled site visit for 6:00 PM on Monday, April 1, 2019.*

SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW

PG. 144

- The Board waived preliminary subdivision review (see Exhibit S).
- Staff has advised the applicant to forgo the findings checklist for Preliminary Subdivision Review.

SECTION 7.6 – FINAL SUBDIVISION REVIEW

PG. 146

- The applicant submitted the necessary materials to make a decision pertaining to the Final Subdivision Review application.

ARTICLE VIII – SUBDIVISION STANDARDS

SECTION 8.1 – APPLICABILITY

SECTION 8.1.B – REQUEST FOR MORE INFORMATION

PG. 150

- Technical review does not appear to be necessary.

SECTION 8.1.C – FINDINGS OF FACT

PG. 150

- Staff advised the applicant to submit a project narrative (see Exhibit S) in place of the Findings of Facts.

SECTION 8.1.D – MODIFICATIONS & WAIVERS

PG. 150

- No waivers were explicitly requested from the applicant.
- A waiver of the Lot 1 frontage requirement is required, as allowed under Sections 3.2.A.1.a, 3.7.E.3.a and 8.6.A.2 since the Lot does not directly abut a public or private road.

- The lot will be accessed by a shared driveway with Lot 2 (Section 8.6.A.2.a).

SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY

PG. 151

- No unforeseen undue adverse impacts to the public health, safety or the character of the area in which the proposed development is located are anticipated.
- The Applicant has not expressed any intention of setting aside land as open space that would exclude from subsequent development lands that periodically flood, have poor drainage, contain very steep slopes (>25%), or have other known hazards, or that is otherwise not suitable to support structures or infrastructure.

SECTION 8.2.B – DEVELOPMENT DENSITY

PG. 151

- The proposed subdivision meets the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS

PG. 151

- The existing lot is almost entirely comprised of statewide prime agricultural soils (see Sketch Plan Exhibit H).
- Areas of steep slopes (15% - 25%) and very steep slopes (>25%) exist – largely on Lots 1 & 2 (see Sketch Plan Exhibit G).
- Proposed development appears to be situated in an area that will not impact steep slopes.
- Subsequent development impacting statewide prime agricultural soils appears unavoidable.
- The proposed layout of the subdivision and development does not appear to adversely affect any of the other existing site features and/or natural amenities listed in this subsection.

SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS

PG. 152

- The proposed project appears to conform to the *Underhill Town Plan* and the *Underhill Unified Land Use & Development Regulations*.

SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS

PG. 152

Rural Districts. Subdivisions within the Rural Residential, Water Conservation and Scenic Preservation Districts shall be designed and configured to reinforce the rural character and historic working landscape of these districts, characterized by forested hillsides and hilltops, open fields, and moderate to low densities of residential development interspersed with large contiguous tracts of undeveloped land. Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels.

- The proposed project appears to conform with the Rural Districts settlement patterns outlined in Section 8.2.E.1 (see district settlement pattern statement to the left).

SECTION 8.2.F - LAYOUT

PG. 153

- The proposed subdivision configuration inhibits future subdivisions of land, as each lot is under six (6) acres (the minimum acreage requirement to subdivide a lot in the Rural Residential District – three (3) acre minimum lot size).
- Each proposed lot satisfies the standards enumerated in this section.

SECTION 8.2.G – BUILDING ENVELOPES

PG. 153

- A building envelope has not been depicted for Lot 1; therefore, the building envelope is

presumed be the least restrictive building envelope allowed by the zoning district's requirements and other constraints at the time of submitting a zoning permit application.

- The building envelope for Lot 2 appears to be the most liberal envelope that the lot allows, as it appears to incorporate the site's setback requirements and constraints.
 - The Board should inquire if the envelope can be extended to the south, at least to accommodate ancillary buildings.
- The building envelope for Lot 3 appears to be more restrictive than the lot allows.
 - The Board should inquire if the envelope can be extended to the west, at least to accommodate ancillary buildings.

SECTION 8.2.H – SURVEY MONUMENTS

PG. 153

- No findings.

SECTION 8.2.I – LANDSCAPING & SCREENING

PG. 153

- The Board should take note of the existing vegetation as it relates to this Section during the scheduled site visit – 6:00 PM @ April 1, 2019.

SECTION 8.2.J – ENERGY CONSERVATION

PG. 154

- No findings made by Staff.
- Questions pertaining to zoning regulations for the applicant to answer during the hearing:
 - Do the proposed locations of the SFDs maximize southern exposure?
 - Are the SFDs clustered enough to allow for group net-metering?

SECTION 8.3 – NATURAL CULTURAL RESOURCES

SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION

PG. 154

- No information pertaining to, nor has any identification relating to, significant cultural and natural features necessitating protection has been submitted for consideration.

SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS

PG. 155

- See Section 3.19 and Article VI above for more information.

SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES

PG. 155

- See Section 3.18 above for more information.

SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT

PG. 156

- No wintering deer yards have been identified to be on the existing lot.
- A priority level 7 habitat block is located on the exist lot (see Sketch Plan Exhibit F and submitted Exhibit L Supp).
 - All anticipated development is located out of the habitat block; however, the driveway serving Lot 3 is located in the corner of the identified habitat block.
- In regards to the subject property, the following priority characteristics have been identified using the ANR Biofinder Website:
 - The area along Lower English Settlement Road has been identified as a highest priority wildlife crossing.
 - The unnamed stream that comprises the rear property line of Lot 1 has been identified as a riparian wildlife connectivity area.
 - The unnamed stream that comprises the rear property line of Lot 1 has been identified as the highest priority surface water and riparian area.
 - Areas of the subject lot have been identified as the highest priority interior forest block.

- Areas of the subject lot have been identified as the highest priority connectivity block.
- In regards to physical landscape diversity (areas with a diverse mix of topography, bedrock and surficial geology and aspect), areas of the subject lot have been identified as representative landscape.

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

PG. 157

- Staff is unaware of any historic and cultural resources located on the existing lot.

SECTION 8.3.F – FARMLAND

PG. 157

- The existing lot is almost entirely comprised of statewide prime agricultural soils (see Sketch Plan Exhibit H), and therefore, subsequent development anywhere on the subject lot appears unavoidable.

SECTION 8.3.G - FORESTLAND

PG. 158

- The proposed Lot 1 contains areas of forestland.
- Proposed Lots 2 & 3 are largely open fields with some forest.
- Proposed development sites do not appear to impact the forested land proposed Lots 2 & 3.

SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

PG. 159

- The applicants are not proposing to designate any land as open space.

SECTION 8.4.B – COMMON LAND

PG. 160

- The applicants are not proposing to designate any land as common land.

SECTION 8.4.C – LEGAL REQUIREMENTS

PG. 160

- No findings.

SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL

PG. 160

- Staff recommends that the Board require as a condition of approval that the Applicant adheres to this Section, as well as conform to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.

SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAY

PG. 162

- Lots 1 and 2 will be served by a shared driveway accessing Lower English Settlement Road.
- Lot 3 will be served by its own driveway accessing Lower English Settlement Road.
- Since each proposed access way will serve two or less lots, only the requirements under Sections 3.2 & 8.6.A apply.
- See Section 3.2 for more info as it relates to the *Unified Land Use & Development Regulations*.
- See Appendix A for more info as it relates to the *Underhill Road, Driveway & Trail Ordinance*.

SECTION 8.6.B – DEVELOPMENT ROADS

PG. 164

- This subsection does not apply.

SECTION 8.6.C – PARKING FACILITIES

PG. 167

- This subsection does not apply.

SECTION 8.6.D – TRANSIT FACILITIES

PG. 167

- This subsection does not apply.

SECTION 8.6.E – PEDESTRIAN ACCESS

PG. 167

- This subsection does not apply.

SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7.A – PUBLIC FACILITIES

PG. 168

- An undue burden on existing and/or planned public facilities is not anticipated.
- The MMU School District has confirmed that there will not be an adverse impact on the school system (see Exhibit J).
- Comments have been requested from the Underhill Road Foreman regarding the driveways and will be submitted into the record upon receipt.

SECTION 8.7.B – FIRE PROTECTION

PG. 168

- An undue burden on the Underhill-Jericho Fire Department is not anticipated.
- Comments from the Underhill-Jericho Fire Department have been requested and will be submitted into the record upon receipt.

SECTION 8.7.C – WATER SYSTEMS

PG. 168

- See Section 3.23 above and Exhibits O, P, Q & R.

SECTION 8.7.D – WASTEWATER SYSTEMS

PG. 169

- See Section 3.23 above and Exhibits O, P, Q & R.

SECTION 8.8 – LEGAL REQUIREMENTS

PG. 170

- At this time, no legal documentation relating to a road maintenance agreement between Lots 1 and 2, or any applicable easements, have been submitted.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS

SECTION 4.B – REASONABLE ACCESS

PG. 8

- The proposed locations of the access ways appear to satisfy the standards of this section.

SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS

PG. 8

1. GRADES	<ul style="list-style-type: none"> • The driveway profiles illustrate that the proposed driveways to Lots 2 & 3 will not exceed a 10% grade (see Exhibits M & N). • If the proposed shared portion of the existing driveway exceeds a 10% grade, the widening of the driveway would be widening a nonconforming driveway, and would need to be waived in accordance with Section 8.E, and possibly Section 3.2.D.9 of the <i>Underhill Unified Land Use & Development Regulations</i>.
2. TOPOGRAPHY	<ul style="list-style-type: none"> • The applicant should confirm the grade of the existing driveway. • Impacting primary agricultural soils are unavoidable. • A State Wetlands Permit is required to widen the proposed shared portion of the (currently existing) driveway.
3. RADII	<ul style="list-style-type: none"> • The turning radii where the proposed driveways meet the shared driveway (Lot 2) and Lower English Settlement Road

	<p>(Lot 3) fail to meet the 35 ft. turning radius requirement (illustrated as 20 ft.) (see Exhibits L, M & N).</p> <ul style="list-style-type: none"> • The Applicant shall ensure that all turning radii are 35 ft.
4. <i>CURBS</i>	<ul style="list-style-type: none"> • Does not apply.
5. <i>GEOTEXTILES</i>	<ul style="list-style-type: none"> • Does not apply.
6. <i>DRAINAGE</i>	<ul style="list-style-type: none"> • The Applicant shall ensure that no drainage will occur in the Town's right-of-way, nor will drainage impact Lower English Settlement Road (which includes sedimentation, erosion or impounding of water).
7. <i>SLOPES, BANKS & DITCHES</i>	<ul style="list-style-type: none"> • The Applicant shall ensure that ditches will be provided where necessary to prevent infiltration of water into the gravel subbase, and to conduct storm drainage to waterways and absorption areas.
8. <i>WET AREAS</i>	<ul style="list-style-type: none"> • A wetland's permit is being sought.
9. <i>CULVERS</i>	<ul style="list-style-type: none"> • Comments have been requested from the Road Foreman and will be submitted into the record upon receipt.
10. <i>STREAM CROSSINGS</i>	<ul style="list-style-type: none"> • Does not apply.
11. <i>BRIDGES</i>	<ul style="list-style-type: none"> • Does not apply.
12. <i>DESIGN</i>	<ul style="list-style-type: none"> • The Applicant shall confirm that the 12.5 ft. by 37.5 ft. turnaround areas are measured from the edge of the driveway rather than the centerline of the driveway.
<i>GENERAL COMMENTS</i>	<ul style="list-style-type: none"> • The applicant should advise further about the configuration of the Lot 3 driveway, and why the inclusion of a horseshoe-like layout was proposed (see Exhibits L & N).

SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS

SECTION 5.A - DRIVEWAYS

PG. 11

1. <i>CONSTRUCTION & DESIGN REQUIREMENTS</i>	<ul style="list-style-type: none"> • The proposed driveways shall be built in accordance with the AOT B-71 Standards. • According to AOT B-71 standards, at 30 MPH, the minimum intersection sight distance is 335 ft. As proposed, the sight distance for Lot 3 is 330 ft. to the north and 800 ft. to the south (see Exhibit L).
2. <i>LOCATION</i>	<ul style="list-style-type: none"> • One new access point along a Town highway (Lower English Settlement Road) is proposed. • The Applicant shall ensure that the proposed driveway for Lot 3 is at least 100 ft. from another intersection.
3. <i>WIDTHS</i>	<ul style="list-style-type: none"> • The shared portion of the driveway to serve Lots 1 and 2 shall be at least 14 ft. in width. • The portion of the driveway to serve only Lot 1 shall be at least 12 ft. in width. • The portion of the driveway to serve only Lot 2 shall be at least 12 ft. in width. • The driveway serving Lot 3 shall be at least 12 ft. in width.
4. <i>NONCONFORMING LOTS</i>	<ul style="list-style-type: none"> • Does not apply.